

ASSEMBLY, No. 3151

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JANUARY 14, 2003

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Effectuates parts of federal "Help America Vote Act of 2002."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/24/2003)

1 **AN ACT** concerning the administration of elections and amending and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. (New section) There is hereby established in the Department of
8 the Treasury a special, nonlapsing fund to be known as the Elections
9 Assistance Fund.

10 This fund is established pursuant to paragraph (b) of section 254 of
11 Pub.L.107-252, the "Help America Vote Act of 2002," for the purpose
12 of receiving:

13 a. all moneys appropriated or otherwise made available by the State
14 for the purpose of carrying out the activities required by Pub.L.107-
15 252;

16 b. all payments which will be received from the federal government
17 pursuant to Pub.L.107-252;

18 c. interest earned on deposits made in the fund; and

19 d. such other additional amounts as may be appropriated under
20 federal or State law.

21

22 2. (New section) a. There shall be established, pursuant to section
23 254 of Pub.L.107-252, the "Help America Vote Act of 2002," a State
24 plan to provide for the implementation of that act. The Attorney
25 General shall appoint a committee of 34 individuals to develop the
26 plan for this State.

27 b. In accordance with the provisions of section 255 of Pub.L.107-
28 252, the members of the committee shall include the superintendent of
29 elections of the most populous and next most populous counties of the
30 State, according to the most recent federal decennial census; the
31 superintendent of elections of each other county with such an official
32 or the commissioner of registration in those counties without a
33 superintendent; four individuals, two of whom represent organizations
34 serving as advocates for the rights of individuals with disabilities and
35 two of whom represent the interests of military and civilian overseas
36 absentee voters, one of whom shall be recommended by each Senate
37 President, one of whom shall be recommended by the Speaker of the
38 General Assembly and one of whom shall be recommended by the
39 Minority Leader of the General Assembly, no more than two of whom
40 shall be members of the same political party; and nine individuals, one
41 of whom is a member of the New Jersey Chapter of the League of
42 Women Voters, one of whom is a member of the New Jersey Chapter
43 of the National Organization of Women, one of whom is a member of
44 the New Jersey Chapter of the National Association for the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Advancement of Colored People, one of whom is a member of New
2 Jersey Common Cause, one of whom is a member of an organization
3 serving as the advocate in this State for the rights of people of
4 Hispanic origin or heritage, one of whom is a member of an
5 organization serving as the advocate in this State for the rights of
6 people of Asian origin or heritage, one of whom is a resident of this
7 State who is no less than 65 years of age and two of whom are
8 residents of this State who are interested in the electoral process, three
9 of whom shall be recommended by each President of the Senate, two
10 of whom shall be recommended by the Speaker of the General
11 Assembly and one of whom shall be recommended by the Minority
12 Leader of the General Assembly, no more than four of whom shall be
13 members of the same political party. Vacancies among members of the
14 committee shall be filled in the same manner as the initial
15 appointments.

16 c. Members of the committee shall be appointed within 14 days
17 after the effective date of this act and shall hold their initial
18 organizational meeting within 14 days after their appointment. The
19 members shall elect one of the members to serve as chair and one of
20 the members to serve as vice-chair. The chair and vice-chair shall not
21 be of the same political party. The chair may appoint a secretary, who
22 need not be a member of the committee. The members of the
23 committee shall serve without compensation, but shall be eligible for
24 reimbursement for necessary and reasonable expenses incurred in the
25 performance of their official duties within the limits of funds
26 appropriated or otherwise made available to the committee for its
27 purposes.

28 d. The committee shall meet at the call of the chair. The
29 committee shall hold at least three public hearings in different parts of
30 the State and elicit testimony from the public at such times and places
31 as the chair shall designate. A meeting of the committee shall be
32 called upon the request of 18 of the committee's members and 18
33 members of the committee shall constitute a quorum at any meeting
34 thereof.

35 e. The chair may appoint such subcommittees as the chair deems
36 necessary or desirable. If a subcommittee is appointed, the members
37 of the subcommittee shall elect one of the members to serve as chair
38 and one of the members to serve as vice-chair. The chair and vice-
39 chair shall not be of the same political party.

40 f. The plan shall be formulated in accordance with the requirements
41 and provision of section 254 of Pub.L.107-252 and shall include such
42 additional goals and features as the committee shall determine.

43 g. The committee shall be entitled to call to its assistance and avail
44 itself of the services of any State, county, or municipal department,
45 board, bureau, commission or agency, as it may require and as may be
46 available for its purposes, and to employ stenographic and clerical
47 assistance and incur traveling and other miscellaneous expenses as may

1 be necessary in order to perform its duties, within the limits of funds
2 appropriated or otherwise made available to it for its purposes.

3 h. Prior to submitting the State plan to the federal Elections
4 Assistance Commission for its review, as provided for in Pub.L.107-
5 252, the committee shall provide a draft of the State plan to the
6 Governor and the Legislature within 30 days of its initial
7 organizational meeting.

8
9 3. R.S.19:15-17 is amended to read as follows:

10 19:15-17. a. The comparison of signatures of a voter made upon
11 registration and upon election day, and if the voter alleges his inability
12 to write, the comparison of the answers made by such voter upon
13 registration and upon election day, shall be had in full view of the
14 challengers.

15 b. If a voter has registered to vote by mail after January 1, 2003
16 and did not provide personal identification when registering, pursuant
17 to section 16 of P.L.1974, c.30 (C.19:31-6.4), the voter shall be
18 permitted to vote at the first election held after January 1, 2004 at
19 which candidates are seeking federal office after displaying or
20 providing one of the following items: (1) a current and valid photo
21 identification card; (2) a current utility bill, bank statement,
22 government check, pay check, or other government document that
23 shows the voter's name and address; (3) the voter's New Jersey
24 driver's license number; or (4) the last four digits of the voter's social
25 security number. If the voter does not display or provide one of these
26 documents or if the documents cannot be verified at the polling place,
27 the voter shall not be permitted to vote by machine but shall instead be
28 provided with a provisional ballot, pursuant to the provisions of
29 P.L.1999, c.232 (C.19:53C-1 et seq.). This subsection shall not apply
30 to military or overseas absentee voters, voters who are provided the
31 right to vote other than in person under section 3 of Pub.L.98-435, the
32 "Voting Accessibility for the Elderly and Handicapped Act," or any
33 other voter entitled to vote otherwise than in person under federal law.
34 (cf: R.S.19:15-17)

35
36 4. Section 25 of P.L.1994, c.182 (C.19:31-6a) is amended to read
37 as follows:

38 25. The [Secretary of State] Attorney General is designated the
39 chief State election official and shall be responsible for the
40 coordination of this State's responsibilities pursuant to the provisions
41 of the "National Voter Registration Act of 1993," Pub.L. 103-31
42 (42 U.S.C. s. 1973gg et seq.) and the "Help America Vote Act of
43 2002," Pub.L. 107-252.

44 (cf: P.L.1994, c.182, s.25)

45
46 5. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
47 as follows:

([6] 7) Date of Birth:

1 Month Day Year
2
3 ([7] 8) Telephone Number (optional)
4
5 ([8] 9) Name and address of Your Last Voter Registration
6
7
8
9
10
11
12
13 (10) If you are submitting this form by mail, and this is the first
14 time you are registering to vote, please complete one of the following:
15 (a) your New Jersey driver's license number:
16 (b) the last four digits of your social security number.....
17 OR submit with this form a copy of any one of the following
18 documents:
19 current and valid photo identification card
20 current utility bill
21 bank statement
22 government check
23 pay check
24 any other government document that shows your name and address.
25 If you do not provide either your New Jersey driver's license
26 number or the last four digits of your social security number, or
27 enclose a copy of one of the documents listed above, you will be asked
28 for identification when voting for the first time, either in person or by
29 mail.
30
31 ([9] 11) Declaration - I swear or affirm that:
32
33 [I am a U.S. citizen]
34
35
36 I live at the above address
37
38 [I will be at least 18 years old on or before the day of the next
39 election]
40
41 I am not on parole, probation or serving sentence due to a
42 conviction for an indictable offense under any federal or State laws

1 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
2 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
3 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
4 PURSUANT TO R.S.19:34-1.

5

6
7 Signature or mark of the registrant Date

8
9 ([10] 12) If applicant is unable to complete this form, print name
10 and address of individual who completed this form.

11
12

13
14 Name

15
16
17

18
19 Address

20
21 In addition, the form may include notice to the applicant of
22 information and options relating to the registration and voting process,
23 including but not limited to notice of qualifications required of a
24 registered voter; notice of the final day by which a person must be
25 registered to be eligible to vote in an election; a place at which the
26 applicant may indicate availability for service as a member of the
27 district board of elections; and a place at which the applicant may
28 indicate a desire to receive information concerning absentee voting.

29 b. The reverse side of the registration form shall bear the address
30 of the [Secretary of State] Attorney General or the commissioner of
31 registration to whom such form is supplied, and a United States postal
32 permit the charges upon which shall be paid by the State.

33 c. The [Secretary of State] Attorney General shall cause to be
34 prepared registration forms of the size, weight and form described in
35 subsection a. of this section in both the English and Spanish language
36 and shall provide such forms to each commissioner of registration of
37 any county in which there is at least one election district in which
38 bilingual sample ballots must be provided pursuant to R.S.19:14-21,
39 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

40 d. The commissioner of registration shall furnish such registration
41 forms upon request in person to any person or organization in such
42 reasonable quantities as such person or organization shall request.
43 The commissioner shall furnish no fewer than two such forms to any
44 person upon request by mail or by telephone.

45 e. Each such registration form shall have annexed thereto
46 instructions specifying the manner and method of registration and

1 stating the qualifications for an eligible voter.

2 f. The [Secretary of State] Attorney General shall also furnish
3 such registration forms and such instructions to the Director of the
4 Division of Worker's Compensation, the Director of the Division of
5 Employment Services, and the Director of the Division of
6 Unemployment and Temporary Disability Insurance in the Department
7 of Labor; to the Director of the Division of Taxation in the
8 Department of the Treasury; to the Executive Director of the New
9 Jersey Transit Corporation; to the appropriate administrative officer
10 of any other public agency, as defined by subsection a. of section 15
11 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
12 Department of Military and Veterans' Affairs; and to the chief
13 administrative officer of any voter registration agency, as defined in
14 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

15 g. All registration forms received by the [Secretary of State]
16 Attorney General in the mail or forwarded to the [Secretary of State]
17 Attorney General shall be forwarded to the commissioner of
18 registration in the county of the registrant.

19 h. An application to register to vote received from the Division of
20 Motor Vehicles or a voter registration agency, as defined in subsection
21 a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall be deemed to
22 have been timely made for the purpose of qualifying an eligible
23 applicant as registered to vote in an election if the date on which the
24 division or agency shall have received that document in completed
25 form, as indicated in the lower right hand corner of the form, was not
26 later than the 29th day preceding that election.

27 i. Beginning January 1, 2003, each commissioner of registration
28 shall make note in the permanent registration file of each new voter
29 who registers by mail the date on which that registrant provided the
30 personal identification information required pursuant to this section or
31 R.S.19:15-17 and Pub.L.107-252. When such a registered voter seeks
32 to vote following that date for the first time, either in person or by
33 mail, the voter will not be required to provide such information. The
34 required information shall be collected and stored for the time and in
35 the manner required pursuant to regulations promulgated by the
36 Attorney General.

37 (cf: P.L.1994, c.182, s.7)

38

39 6. This act shall take effect immediately.

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41

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STATEMENT

43

44 This bill's purpose is to effectuate some of the provisions of the
45 federal "Help America Vote Act of 2002," Pub.L.107-252.

46 Specifically, the bill:

- 1 1) establishes the Elections Assistance Fund, to receive all State
- 2 and federal funds authorized pursuant to the federal law;
- 3 2) provides for the establishment of a State plan for the
- 4 implementation of the federal law and distribution of State and federal
- 5 funds authorized by it;
- 6 3) provides for a committee to develop the State plan, made up of
- 7 34 public officials and individuals appointed by the Attorney General,
- 8 some on the recommendation of legislative leaders;
- 9 4) establishes additional voter identification requirements for
- 10 persons seeking to register for the first time by mail after January 1,
- 11 2003;
- 12 5) amends current voter registration application forms to add direct
- 13 questions regarding the citizenship and voting age of applicants; and
- 14 6) changes the statutory designation of the State' Chief Elections
- 15 Officer from the Secretary of State to the Attorney General.